IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

TUESDAY THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND SEVEN
PRESENT :
THE HON'BLE SRI JUSTICE: **N.V. RAMANA**

WRIT PETITION No. **3646 of 2007**

Between:

Kande Lakshmi Rajyam, W/o.N. Siva Sankar
Ramannagaripalle Village, Kaluvaya mandal Nellore District

…Petitioner

AND

1. The Government of Andhra Pradesh, rep. by its Principal Secretary, Women Development and Child Welfare Dept., Secretariat,Hyderabad
2. The District Collector, Nellore, Nellore District
3. The Project Director and District Women & Child Welfare Convener for Recruitment Committee, for Anganwadi Workers, Nellore, Nellore District
4. The Child Development Project officer, ICDS Project Podalakur, Nellore District
5. Geethamma, W/o. S. Polaiah, Ramannagaripalle Village, Kuluvaya Mandal Nellore District

…Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus holding that the action of the respondents 2 to 4 in selecting the 5th respondent as Anganwadi Worker of Ramannagaripalle Village of Kaluvaya Mandal, Nellore District as illegal, arbitrary and unjust and quash the orders passed by the 3rd respondent in his proceedings No.260/A1/2006 dated 4-1-2007 and consequently direct the respondents 2 and 3 to appoint the petitioner as Anganwadi worker of Ramannagaripalli Village of Kaluvaya Mandal, Nellore District forthwith.

The petition coming on for hearing, upon perusing the petition and the affidavit filed herein, and order of High Court dated 26-02-2007 and 26-07-2007 made in WPMP.No. 4655 of 2007, and upon hearing the arguments of Sri D. Kodanda Rami Reddy, Advocate for the petitioner and of G.P for Women & Child welfare for the Respondent Nos 1 to 4, the Court made the following

ORDER:

When the matter is taken up for hearing, the learned Assistant Government Pleader produced the record relating to the interviews conducted by the respondents for the post of Anganwadi worker under ICDS project, Podalkur. Kaulvaya Mandal.

The record produced by the respondents does not contain the application form of the 5th respondents. Who is the selected candidate. The relevant record relating to the impugned selection is at page No. 19

of the Constituency-wise eligible applications for the post of Anganwadi Workers. For experience, five marks is allocated, which is divided into three marks and two marks in column Nos. 16 and 17 respectively. Three marks, allocated in column No.16, is awarded for the candidates who possess experience as Government Anganwadi Worker/Early Child Education/Adult Education etc., while the two marks, allocated in column No. 17, is awarded to candidates who possess private service of five years.

..2…

The 5th respondent, admittedly, is not possessing experience as prescribed in Column No. 16. However, on the basis of the certificate dated 10-12-2006, issued by New Vidya Bharathi E.M. High School, showing that she worked as Record Assistant From 2000 to 2002 and the certificate dated 05-12-2006, issued by Sree Vivekananda English Medium School, showing that she worked as L.K.G. teacher from 12th June, 2003 to April, 2005, the official respondents, have awarded three marks to her under column No. 16 and two marks under column No. 17. The 3rd respondent-project Director, who appeared before this Court in person along with the record, was unable to give satisfactory explanation as to how they have awarded three marks to the 5th respondent despite her not possessing the qualifications prescribed therein. However, the learned Assistant Government Pleader sought to explain that as the 5th respondent got teaching experience in a private recognized school, they have awarded three marks to her. She further relying on the enquiry report of the District Collector, submitted that the 5th respondent secured 11 marks while the petitioner secured 10 marks, and since the 5th respondent secured more marks than the Petitioner, therefore, she was selected.

Prima facie, the record produced by the official respondents establishes that despite the 5th respondent not possessing the experience as prescribed in Column No. 16, yet she was awarded the marks allocated there under. Since the 5th respondent did not possess the requisite qualification, I fail to understand how the District Collector, could have recommended her for selection. In the absence of any convincing explanation forthcoming from the respondents, it is appropriate to direct the District Collector, Nellore to file a detailed affidavit.

Accordingly, the District Collector, Nellore, is directed to file a detailed affidavit explaining as to how they could award three marks to the 5th respondent despite her not possessing the requisite experience as prescribed in Column No.16, and whether experience of the 5th

respondent as Record Assistant, can be treated as teaching experience.

List after one week.

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Principal Secretary, Women Development and Child Welfare Dept, Govt of A.P., Secretariat,Hyderabad
2. The District Collector, Nellore, Nellore District **(BY SPEED POST)**
3. The Project Director and District Women & Child Welfare Convener for Recruitment Committee, for Anganwadi Workers, Nellore, Nellore District
4. The Child Development Project officer, ICDS Project Podalakur, Nellore District
5. Geethamma, W/o. S. Polaiah, Ramannagaripalle Village, Kuluvaya Mandal Nellore District
6. Two CC's to Asst. G.P for Women & Child Welfare, High Court of A.P., Hyderabd **(Addressee No.6 BY SPECILA MESSENGER)**
7. One CC to Sri D. Kodanda Rami Reddy, Advocate (OPUC)
8. One Spare Copy

Skm

HIGH COURT

NVR,J

DATED: 31-07-2007

NOTE: LIST AFTER ONE WEEK

ORDER

W.P.NO. 3646 OF 2007

DIRECTION

HIGH COURT

NVR,J

Drafted by: skm
Drafted on: 01-08-2007

DATED: 31-07-2007

NOTE: LIST AFTER ONE WEEK

ORDER

W.P.NO. 3646 OF 2007

DIRECTION